



APPENDICES

2004



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EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW ACT

A dramatic and fatal accident involving the release of a large quantity of methyl isocyanate gas occurred in Bhopal, India on December 3, 1984. As a result of this release and similar, although less tragic, accidents that occurred in the United States, congress enacted the Emergency Planning and Community Right to Know Act (EPCRA), as Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986. EPCRA requires certain facilities to report information about hazardous chemicals and substances at their facilities to Federal, state, and local authorities. The objective is to improve the ability of the facility and of local emergency response agencies to plan for and respond to chemical emergencies, and to give citizens information about chemicals present in their communities. Presidents have also issued Executive Orders to Federal agencies which mandate their compliance with certain EPCRA requirements. In 1991 Delaware established its own EPCRA legislation which enhanced the federal requirements.

EMERGENCY PLANNING

Each state was required to establish a State Emergency Response Commission (SERC) to oversee planning efforts. The SERC must appoint Local Emergency Planning Committees (LEPC), which in turn develop emergency response plans for their respective districts. In Delaware, the SERC is chaired by the Secretary of the Department of Public Safety. Emergency planning districts have been established in each county and for the City of Wilmington. Facilities having specifically identified Extremely Hazardous Substances above established threshold quantities are required to notify their LEPC. These facilities are the primary focus of planning activities.

EMERGENCY RELEASE NOTIFICATION

In the event of an accidental chemical release above an established amount, a facility is required to provide immediate notification of the release. A follow up written report is also required to provide details about the sequence of events, the actual response actions, and to identify any known or anticipated health risks associated with the release. The public may receive notification through the Environmental Release Notification System.

In response to Senate Bill 33, which became law in July 2001, the Department of Natural Resources and Environmental Control (DNREC) developed a system to allow Delawareans to learn promptly of releases or discharges of contaminants or pollutants that meet or exceed certain thresholds in their neighborhoods or throughout the state. When you register, you choose to be notified in one of three ways: By phone, by e-mail or by fax. You also can choose to be notified about releases from specific facilities or about all releases that occur in one or more zip codes throughout the state. Interested individuals may register for notification at: <http://www.dnrec.state.de.us/dnrec2000/notification/pub/>

HAZARDOUS CHEMICAL REPORTING

Under U. S. Occupational Health Safety Administration (OSHA) regulations, facilities are required to maintain a Material Safety Data Sheet (MSDS) for each chemical on site. Under EPCRA, facilities are required to submit a list of their MSDS's for hazardous chemicals on site



APPENDIX A

WHAT IS COMMUNITY RIGHT-TO-KNOW ?

above specific threshold amounts. This list must be updated as new chemicals are brought on site. In addition, facilities having such chemicals are required to file Hazardous Chemical Inventory Reports annually. These reports, also known as Tier II forms, provide information on the identity, hazards, amounts, and locations of reportable chemicals at the facility. These reports are sent to the EPCRA Reporting Program which processes the information for dissemination to emergency planning and response organizations statewide.

TOXICS RELEASE INVENTORY (TRI) REPORTING

Facilities covered under TRI are required to report on-site releases, off-site transfers, and on-site waste management activities related to their use of certain toxic chemicals. This information is compiled and made available to the public through this report and other means. For more information regarding TRI please refer to the Introduction and For Further Information sections contained in this report.

RISK MANAGEMENT PLANS

Additional information regarding hazardous chemicals is available to the public due to the requirements contained in Title I, Section 112(r) of the Federal Clean Air Act Amendments of 1990. Section 112(r) requires that facilities handling substances with catastrophic potential submit a Risk Management Plan (RMP) that contains an executive summary, registration, off-site consequence analysis (OCA), five-year accident history, and a summary of their prevention and emergency response programs. The OCA consists of a “worst case” release scenario and an “alternative” release scenario. The “worst case” scenario estimates the area and populations affected by a catastrophic release. The “worst case” scenario is a hypothetical, conservative modeling exercise. Emergency planning uses the “alternative” scenario, a more realistic modeling exercise.

The information contained in the RMP builds upon the right-to-know principles of EPCRA by making all of the information including the OCA and five-year accident history available to local communities, emergency planners, and other stakeholders. Concerned citizens or the media could ask facilities to explain the programs that they use to prevent or minimize the consequence of a catastrophic release by making this information available. EPA encourages this communication to reduce the risk. This is similar to the way public knowledge of chemical releases to the environment through the availability of TRI data has led reporting facilities to reduce their toxic releases. Because of security concerns, the RMP information is restricted. However, this information is available for Delaware facilities by contacting the Accidental Release Prevention Program (ARP).

In Delaware, the Extremely Hazardous Substances Risk Management Act, originally passed in 1988 and amended in 1998, adopted new federal guidelines that enhance the community right-to-know information. The ARP, who has been granted full authority by the US EPA to administer the program within DNREC, reviews the facility RMP's for accuracy and completeness and inspects facilities to ensure that appropriate accidental release prevention programs have been implemented. For more information on accidental release prevention in Delaware, please refer to the DNREC ARP website at: http://www.dnrec.state.de.us/air/aqm_page/arp.htm.

APPENDIX B

TRI FACILITY ADDRESSES AND PUBLIC CONTACTS

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SEAFORD DE 19973-0389
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CAMDEL METALS

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THOMAS S. ANDERSEN
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NEWARK DE 19713
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EDGE MOOR/HAY ROAD POWER PLANTS

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WILMINGTON DE 19809
302-451-5105

FORMOSA PLASTICS

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GENERAL MOTORS

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GREENTREE SPRAY TECH.

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HANOVER FOODS

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TRI FACILITY ADDRESSES AND PUBLIC CONTACTS

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JUSTIN TANKS

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TRI FACILITY ADDRESSES AND PUBLIC CONTACTS

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